

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KIMBERLY S. SETHAVANISH, on behalf ) Case No. 12-2907-SC  
of themselves and all others )  
similarly situated, ) ORDER RE: MOTIONS TO SEAL  
Plaintiff, )  
v. )  
ZONEPERFECT NUTRITION COMPANY, )  
Defendant. )  
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Now pending before the Court is Defendant's administrative motion to file under seal portions of its sur-reply in opposition to Plaintiff's motion for class certification ("the sur-reply"), as well as Exhibits 18 and 19 to the Declaration of Janakan Thiagarajah in support of the sur-reply. ECF No. 85. Also pending before the Court is Plaintiff's administrative motion to file under seal portions of its opposition to Defendant's administrative motion for an evidentiary hearing on class certification and the accompanying declaration of Michael D. Braun. ECF No. 87.

The motions are short and provide no explanation as to why the information at issue is protectable. Moreover, it is unclear how

1 the parties could plausibly contend that some of the relevant  
2 information (including references to FDA regulations and the  
3 location of Defendant's manufacturing facilities) should be sealed.  
4 The parties appear to be working under the assumption that the  
5 Court will rubberstamp any motion to seal they file. The Court  
6 declines to do so going forward. Sealing of documents entails a  
7 significant administrative burden and undermines the public's right  
8 to access documents filed in federal court.

9 The Court advises the parties that calling something a trade  
10 secret does not make it so. The Court also reminds the parties  
11 that information is not sealable merely because it is the subject  
12 of a stipulated protective order. See Civ. L.R. 79-5(a) ("A  
13 stipulation, or a blanket protective order that allows a party to  
14 designate documents as sealable, will not suffice to allow the  
15 filing of documents under seal."); ECF No. 49 ("Stip. Protective  
16 Order") § 12.3 ("a sealing order will issue only upon a request  
17 establishing that the Protected Material at issue is privileged,  
18 protectable as a trade secret, or otherwise entitled to protection  
19 under the law").

20 Within five days of the signature date of this Order, one or  
21 both parties may file a supplemental brief regarding the pending  
22 motions to seal. The brief shall describe the information that is  
23 subject to the pending motions to seal and explain why that  
24 information is protectable. If neither party files a supplemental  
25 brief by the deadline set forth above, the pending motions shall be  
26 denied. Going forward, no motion to seal will be granted unless a  
27 moving paper or response is filed that meets these requirements.  
28 With respect to trade secrets, the Court encourages Defendant to

1 file declarations from an officer, director, or employee explaining  
2 why the relevant information is a trade secret and how that  
3 information is generally maintained.

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5 IT IS SO ORDERED.

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7 Dated: January 27, 2014

  
UNITED STATES DISTRICT JUDGE

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